

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

FUSION ELITE ALL STARS, et al.,

Plaintiffs,

v.

VARSITY BRANDS, LLC, et al.,

Defendants.

Case No. 2:20-cv-02600-SHL-cgc

JURY TRIAL DEMANDED

**PLAINTIFFS' CONSENT MOTION FOR LEAVE TO FILE REPLY MEMORANDUM
WITH EXCESS PAGES IN SUPPORT OF MOTION TO COMPEL DISCOVERY
RESPONSES FROM DEFENDANT U.S. ALL STAR FEDERATION, INC.**

Plaintiffs Fusion Elite All Stars, Spirit Factor LLC d/b/a Fuel Athletics, Stars and Stripes Gymnastics Academy Inc. d/b/a Stars and Stripes Kids Activity Center, Kathryn Anne Radek, Lauren Hayes, and Janine Cherasaro (collectively, "Plaintiffs") respectfully move the Court, pursuant to Local Rules 7.2(c), for leave to file a reply memorandum ("Reply") in support of their Motion to Compel Discovery Responses (the "Motion") (Dkt. 102) from Defendant U.S. All Star Federation, Inc. ("USASF"). Plaintiffs further request leave to file a Reply in excess of the page limits permitted by Local Rule 7.2(e), totaling 6.5 pages. In support thereof, Plaintiffs state as follows:

1. On May 5, 2021, Plaintiffs filed their Motion, which included a memorandum in support totaling 20 pages in accordance with Local Rule 7.2(e). Plaintiffs also submitted 18 exhibits in support of the Motion.
2. On May 19, 2021, USASF submitted its Response in Opposition to Plaintiffs' Motion (the "Response") (Dkt. 116) totaling 23 pages. Plaintiffs consented to USASF's motion for leave to file a Response in excess of the page limits set forth in Local Rule 7.2(e). Dkt. 115.

3. USASF's Response raises several issues that require reply, including misstatements or misunderstandings about Request Nos. 10, 11, 82, 83, 87 and 98 to 111, and Plaintiffs' requested time period for production, as well as certain misleading statements regarding search terms. In addition, as the parties have continued negotiations related to the discovery issues raised in Plaintiffs' Motion, a number of those issues require clarification.

4. In order to adequately respond to USASF's Response and clarify the record, Plaintiffs' reply memorandum will exceed the page limit imposed by Local Rule 7.2(e) by 1.5 pages.

5. USASF does not oppose the relief sought by Plaintiffs in light of the agreement it and Plaintiffs reached regarding its Response, as set forth in USASF's Motion for Leave to File Excess Pages. Dkt. 115 at 2 ("The Parties mutually agreed that (1) Plaintiffs would not oppose USASF's motion for leave to file a response to Plaintiffs' Motion to Compel of 23 pages; (2) USASF will not oppose a future motion by Plaintiffs for leave to file a reply to their Motion to Compel of 6.5 pages . . .").

For these reasons, Plaintiffs respectfully request leave to file the Reply of 6.5 pages and supporting documents attached to this Motion. Pursuant to L.R. 7.2(c), Plaintiffs make this timely request within 7 days of service of Defendant's Response.

Dated: May 26, 2021

Respectfully submitted,

By: /s/ Katherine Van Dyck
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CERTIFICATE OF GOOD FAITH

Consistent with Local Rule 26(b)(1) and 7.2(a)(1).01(b)(3), counsel for Plaintiffs, Katherine Van Dyck and Victoria Sims, conferred with counsel for USASF, Nicole Berkowitz, on May 19, 2021, and the parties are in agreement with the relief requested in this Motion.

/s/ Katherine Van Dyck _____
Katherine Van Dyck

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 26, 2021, the foregoing were served via ECF processing upon the following:

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/s/ Katherine Van Dyck
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